

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

SORRELL HOLDINGS, LLC

PLAINTIFF

vs.

Case No. 4:16-cv-04019

INFINITY HEADWEAR & APPAREL, LLC

DEFENDANT

ORDER

Plaintiff Sorrell Holdings, LLC ("Sorrell") and Defendant, Infinity Headwear & Apparel, LLC ("Infinity"), have filed a Joint Motion to Stay Pending *Ex Parte* Reexamination. ECF No. 67. The parties have consented to the jurisdiction of a United States Magistrate Judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. ECF No. 33. After considering this Motion, the Court finds it should be **GRANTED** and finds as follows:

1. All deadlines in this action shall be stayed pending the *ex parte* reexamination of U.S. Patent No. 6,887,007 (the "patent-in-suit") with the United States Patent and Trademark Office ("PTO") until further order of the Court.
2. Infinity shall not challenge the validity of the patent-in-suit based on any printed publication or other prior art reference that was submitted to, or considered by, the PTO in connection with the reexamination of the patent-in-suit.
3. If this stay is ordered following the deadline for fact discovery cutoff or expert reports, these deadlines, and all subsequent deadlines, will be reset until a time following termination of the stay.

4. The parties shall meet and confer and file a joint status report within 14 days of significant developments in the *ex parte* reexamination, including the issuance of a Reexamination Certificate.
5. The parties reserve their right to move the Court to lift the stay at any time (after meeting and conferring with the other party), and the parties reserve their right to oppose the lifting of the stay. This provision does not waive or alter the legal standards governing stays of litigation pending *ex parte* reexamination.

DATED this 3rd day of January 2019.

/s/ *Barry A. Bryant*
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE